

## **REMARKS**

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed on June 1, 2005. Claims 1, 3-8, 10, 11, 13-26, 28-31, 33-40, 42 and 44 are rejected. In this Amendment, no claims have been amended. No new matter has been added. No claims have been canceled. Therefore, claims 1, 3-8, 10-11, 13, 16, 19, 23-26, 31, 33-34, 36, 40, 42, and 44 are presented for examination.

### **Claim Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 3-8, 10-11, 13, 16, 19, 23-26, 31, 33-34, 36, 40, 42, and 44 as being anticipated by Bugnion et al, (U.S. Patent No. 6,496,847, hereinafter “Bugnion”). Applicant does not admit that Bugnion is prior art and reserves the right to swear behind the reference at a later date. Regardless, Applicant respectfully submits that claims 1, 3-8, 10-11, 13, 16, 19, 23-26, 31, 33-34, 36, 40, 42, and 44 are not anticipated by Bugnion.

The invention of Bugnion discloses a host operating system 340 and a virtual machine monitor 360 existing in parallel at a system level on a hardware 110. (Bugnion, col. 7, lines 13-17, FIG. 3). Bugnion further discloses a device emulator 300 that runs on top of the host operating system 340. (Bugnion, col. 7, lines 13-17, FIG. 3). “A driver, which is downloaded into or otherwise installed or included in the host operating system,” interfaces with the device emulator. (Bugnion, col. 9, lines 1-7). The driver discussed in Bugnion is not a driver of a soft device. In fact, Bugnion does not teach or suggest the use of soft devices. Examples of soft devices are illustrated in the background section of this application. For example, a host-based soft device may be a hardware device that includes a

host software component and a reduced functionality hardware component, such that the host software component replaces portions of a fixed function device in a personal computing system. (background section, p. 1, par. 1).

**Claims 1, 3-8, 10 and 40**

Bugnion does not teach or suggest the use of soft devices, much less the use of soft device drivers in a virtual machine monitor. The devices disclosed in Bugnion are physical system devices (Bugnion, col. 5, lines 15-16), and any virtualization of these physical system devices is resident on the host operating system. (Bugnion, col. 7, lines 24-25). In contrast, claims 1, 8 and 40 recite, respectively, a method, a system, and a computer readable medium comprising: “a driver of a soft device” in a “virtual machine monitor.” Accordingly, independent claims 1, 8 and 40 are not anticipated by Bugnion. Claims 3-7 depend from and further limit claim 1, and claim 10 depends from and further limits claim 8. Therefore, applicant respectfully asserts that claims 1, 3-8, 10 and 40 are in condition for allowance, and requests that the Examiner remove his rejections under 35 U.S.C. § 102(e).

**Claims 11, 13, 16, 19, 23-26, 28, 31, 33-34, 36, 42 and 44**

Bugnion does not teach or suggest the use of soft devices, much less the use of software components of soft devices in a virtual machine. The devices disclosed in Bugnion are physical system devices (Bugnion, col. 5, lines 15-16), and any virtualization of these physical system devices is resident on the host operating system. (Bugnion, col. 7, lines 24-25). Claims 11, 26, 31, 42 and 44 recite the limitations of, “a software component of a soft device” in a “virtual machine.” Accordingly, independent claims 11, 26, 31, 42 and 44 are not anticipated by Bugnion. Claims 13, 16, 19 and 23-25 depend from and further limit claim

11, claim 28 depends from and further limits claim 26, and claims 33-34 and 36 depend from and further limit claim 31. Therefore, applicant respectfully asserts that claims 11, 13, 16, 19, 23-26, 28, 31, 33-34, 36, 42 and 44 are in condition for allowance, and requests that the Examiner remove his rejections under 35 U.S.C. § 102(e).

**Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 14-15, 17-18, 20-22, 29-30, 35 and 37-39 as being unpatentable under 35 U.S.C. § 103(a) over Bugnion in view of Lim, et al., (U.S. Patent No. 6,795,966, hereinafter “Lim”). Applicant does not admit that Lim is prior art and reserves the right to swear behind the reference at a later date. Regardless, Applicant respectfully submits that Bugnion and Lim, either individually or in combination, do not teach or suggest each and every limitation of the rejected claims.

Lim discloses a virtual machine resident on a virtual machine monitor. (Lim, col. 6, lines 23-29). The virtual machine has a virtual processor, a virtual memory, a virtual operating system, and at least one virtual peripheral device. (Lim, col. 6, lines 30-39). The virtual peripheral device is the virtualization of a physical device, such as a keyboard or a hard drive. The virtual peripheral device disclosed in Lim is not a software implementation of a soft device. In fact, Lim does not teach or suggest the use of soft devices, much less the use of software components of soft devices in a virtual machine.

Claims 11, 26 and 31 recite the limitations of, “a software component of a soft device” in a “virtual machine,” that is “available for use by a main [additional] virtual machine.” Lim and Bugnion fail to suggest the use of software components of soft devices in a virtual machine, much less software components of soft devices in a virtual machine that can be used by a different virtual machine, as claimed. Therefore, neither Bugnion nor Lim,

alone or in combination, teach or suggest all of the limitations of independent claims 11, 26 or 31. Claims 14-15, 17-18, and 20-22 depend from and further limit independent claim 11, claims 29-30 depend from and further limit independent claim 26, and claims 35 and 37-39 depend from and further limit independent claim 31. Therefore, applicant respectfully asserts that claims 14-15, 17-18, 20-22, 29-30, 35 and 37-39 are in condition for allowance, and requests that the Examiner remove his rejections under 35 U.S.C. § 103(a).

**Conclusion**

Accordingly, Applicant respectfully requests the withdrawal of the rejections and submits that pending claims 1, 3-8, 10, 11, 13-26, 28-31, 33-40, 42 and 44 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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